

REMARKS

Claims 1, 2, 5-21, 23, and 24 were pending in the application. The Office Action rejected Claims 1, 2, and 5-8, and allowed Claims 9-21, 23, and 24. By this Amendment, Applicants have amended Claim 1, Figure 1, and the specification at page 18, line 2. Additionally, Applicants have added new claims 25-30. Thus, Claims 1, 2, 5-21, and 23-30 are currently pending in the application.

I. Formal Matters.

1. Applicants thank the Examiner for indicating the allowance of Claims 9-21, 23, and 24.

2. Applicants have provided the updated issued patent number information by indicating that Application Serial No. 08/634,544 on page 18, line 2 is now U.S. Patent No. 5,790,548. In response to the objection to the disclosure, Applicants have amended the specification at page 17, line 24 – page 18, line 10, as indicated in the Office Action. Withdrawal of the objection is respectfully requested.

3. Applicants have provided a replacement figure for Figure 1 including the desired change to overcome the objection to the drawings. More specifically, Applicants have designated in the legend of Figure 1 the descriptor “Prior Art.” Withdrawal of the objection is respectfully requested.

4. Applicants respectfully request that the United States Patent and Trademark Office change the Attorney Docket Number on the cover of the Office Action for this application to reflect the correct Attorney Docket Number of 65632-0047, not 680-189.

II. The Claims Define Patentable Subject Matter.

1. The Office Action rejects Claims 1-2 and 5-8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,026,087 to Mirashrafi et al. (“Mirashrafi”) in view of U.S. 5,680,446 to Fleischer II, et al. (“Fleischer”). The rejection is respectfully traversed.

Applicants agree with the Office Action that Mirashrafi does not disclose “*that the PSTN includes an AIN that includes an ISCP having CPRs*” (see Office Action at page 3, lines 18-19). In addition to this feature, Applicants respectfully reassert that Mirashrafi needs to be selected by a computer through a web server as it utilizes bridgeports and other devices to execute the packet network call and monitor its quality. Thus, Mirashrafi is not and can not be *responsive to placement of a voice telephone call to a PSTN by a first one of said stations* (see Claim 1 of the present invention). Nonetheless, to make up for the deficiencies of Mirashrafi, the Office Action asserts that Fleischer shows that the PSTN may include AIN, ISCP, and CPRs.

Applicants have amended Claim 1 to clearly point out that the call processing records (CPRs) contain an applied operating criteria permitting routing of the voice telephone call (see page 9, lines 10-13 of the originally-filed specification). Additionally, Applicants also have added new Claim 25 to clearly point out that the applied operating criteria is a preselected condition relating to the occurrence of the routing step when an acceptable quality of service is available (see page 20, lines 7-14 of the originally-filed specification). Even further Applicants have added new Claims 26-29 to clearly point out that the applied operating criteria may include a time of day, a day of a week, a destination area, or a destination telephone number (see page 20, lines 14-17 of the originally-filed specification). Yet even further, Applicants have added new Claim 30 to clearly point out that the CPR includes an acceptable level of service with a threshold quality level (see page 9, lines 10-13). Because the combination of Mirashrafi and Fleischer does not disclose, teach, or suggest the claimed invention, and because the combination of Mirashrafi and Fleischer is completely silent with respect to all of the claimed invention as recited in independent Claim 1, the Office Action clearly fails to establish a prima facie case of obviousness (See MPEP §2143). Withdrawal of the rejection of independent claim 1 and its dependent claims 2 and 5-8 is respectfully requested.

2. The Office Action rejects Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Mirashrafi, in view of Fleischer, and in further view of U.S. Patent No. 5,661,792 to Akinpelu et al. (“Akinpelu”). The rejection is respectfully traversed.

For the reasons explained above in Section II, subsection 1., Applicant submits that Akinpelu does not fulfill the deficiencies of Mirashrafi and Fleischer as recited above in

Section II, sub-section 1. Thus, because the combination of Mirashrafi and Fleischer is completely silent with respect to all of the claimed invention as recited in independent Claim 1, the Office Action clearly fails to establish a prima facie case of obviousness (See MPEP §2143). For at least this reason, Claim 5, which depends from independent Claim 1, is allowable over the applied art, taken singularly or in combination. Withdrawal of the rejection to claim 5 is respectfully requested.

CONCLUSION


In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347.

Respectfully submitted,

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